

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Aljuan C. Hixon,

Plaintiff,

Civil No. 06-1548 (RHK/JSM)

v.

ORDER

City of Golden Valley, *et al.*,

Defendants.

The above-entitled action came on for trial before the undersigned and a jury on September 6-13, 2007. On September 13, 2007, the jury returned its Special Verdicts as follows:

EXCESSIVE FORCE – McCARVILLE

1. Did Defendant Christine McCarville use excessive force when arresting Plaintiff Aljuan Hixon on April 2, 2005?

ANSWER: Yes _____ No NO

EXCESSIVE FORCE – HERNANDEZ

2. Did Defendant Mario Hernandez use excessive force when arresting Plaintiff Aljuan Hixon on April 2, 2005?

ANSWER: Yes YES No _____

If you answered “Yes” to either Question 1 or Question 2, answer Questions 3 through 5. If you answered “No” to both Question 1 and

Question 2, do not answer any other questions; your deliberations are complete and you should sign and date this Special Verdict Form.

COMPENSATORY DAMAGES

3. What amount of money will fairly and adequately compensate Plaintiff Aljuan Hixon for damages caused by the incident on April 2, 2005?

(See Jury Instruction Nos. 9 and 10 for a description of, and means of calculating, compensatory damages.)

Amount of Compensatory Damages \$ 328,000

PUNITIVE DAMAGES

You may award punitive damages against either Defendant if you have first found that Defendant's conduct in arresting Plaintiff Aljuan Hixon was "malicious or recklessly indifferent" to Plaintiff's right to be free from excessive force. (See Jury Instruction No. 11 for the means of calculating punitive damages.)

4. Defendant Christine McCarville: \$ none (stating the amount of punitive damages or, if none, write the word "none").

5. Defendant Mario Hernandez: \$ 450,000 (stating the amount of punitive damages or, if none, write the word "none").

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Based on the foregoing, **IT IS ORDERED** that the jury's Special Verdicts are **ADOPTED**

by the Court as its own. **IT IS FURTHER ORDERED** that, on or before September 26, 2007, the parties shall jointly file a proposed Judgment in this matter. If the parties are unable to agree on the form or contents of the proposed Judgment, then they shall each file their respective proposed Judgments with the Court on or before September 28, 2007.

Dated: September 18, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge